

KING & SPALDING

The motion is granted. The Clerk of Court shall maintain the seal of ECF No. 195 to be viewable only by the parties and Court personnel. The Clerk shall terminate ECF No. 193.

SO ORDERED.

Dated: 5/14/24
New York, New York
September 25, 2023

/s/ Alvin K. Hellerstein
Alvin K. Hellerstein
United States District Judge

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Via ECF

Hon. Alvin K. Hellerstein
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *The Avon Company f/k/a New Avon LLC, et al. v. Fareva Morton Grove, Inc., et al.*,
No. 1:22-cv-4724-AKH

Dear Judge Hellerstein:

We write as counsel to Defendants Fareva Morton Grove, Inc. and Fareva S.A. (collectively, “Fareva”) in the above-captioned action to respectfully request that the Court enter an order maintaining under seal the documents listed below, which Fareva is submitting as exhibits in support of Fareva’s Letter Regarding Avon’s Lack of Compliance with the Court’s Order to Produce a Damages Schedule (“Fareva’s Letter Regarding Avon’s Damages Schedule”). Copies of these documents are being filed contemporaneously under seal pursuant to the Court’s standing order, 19-mc-00583, and Your Honor’s Individual Rule 4(b)(ii). In support of this letter motion, Fareva states as follows:

On October 7, 2022, this Court entered a Stipulated Confidentiality Agreement and Protective Order (the “Protective Order”). *See* ECF No. 65. The Protective Order permits either party to designate Discovery Material as “Confidential” or “Attorneys’ Eyes Only.” *See id.* ¶¶ 2, 12. In support of its Letter Regarding Avon’s Damages Schedule, Fareva intends to submit the following documents as exhibits, which Avon had produced in this action with the designation of “Confidential” pursuant to the Protective Order:

1. A letter bearing the bates number AVON007775, which Avon produced in this action and designated “Confidential” (Ex. B).
2. An attachment to a letter bearing the bates number AVON0077757, which Avon produced in this action and designated “Confidential” (Ex. C).
3. An invoice bearing the bates number AVON0070000, which Avon produced in this action and designated “Confidential” (Ex. D).

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4. An excel spreadsheet bearing the bates number AVON0070002, printed to PDF for submission via ECF, which Avon produced in this action and designated “Confidential” (Ex. E).
5. A letter bearing bates numbers AVON0072503–AVON0072504, which Avon produced in this action and designated “Confidential” (Ex. F).
6. An invoice bearing the bates number AVON0070004, which Avon produced in this action and designated “Confidential” (Ex. G).
7. An excel spreadsheet bearing the bates number AVON0070012, printed to PDF for submission via ECF, which Avon produced in this action and designated “Confidential” (Ex. H).
9. An email bearing the bates number AVON0086794, which Avon produced in this action and designated “Confidential” (Ex. I).
9. A letter bearing the bates number AVON0086795, which Avon produced in this action and designated “Confidential” (Ex. J).
10. An invoice bearing the bates number AVON0086796, which Avon produced in this action and designated “Confidential” (Ex. K).
11. An attachment to a letter bearing the bates number AVON0086797, which Avon produced in this action and designated “Confidential” (Ex. L).
12. An excel spreadsheet bearing the bates number AVON0086798, printed to PDF for submission via ECF, which Avon produced in this action and designated “Confidential” (Ex. M).
13. An excel spreadsheet bearing the bates number AVON0086799, printed to PDF for submission via ECF, which Avon produced in this action and designated “Confidential” (Ex. N).

By making this sealing request, Fareva does not contend that good cause exists to designate any of the foregoing materials as Confidential within the meaning of the Protective Order. Instead, Fareva merely seeks to comply with its obligations under the Protective Order to file under seal documents that Avon has designated as Confidential. Moreover, Fareva filed a substantially similar letter motion to seal in connection with its Opposition to Avon’s Motion for partial Summary Judgement or, in the Alternative, to Compel Fareva to Respond to Avon’s Third Set of Interrogatories, *see* ECF No. 149, which the Court granted, *see* ECF No. 164. Accordingly, Fareva respectfully requests that the Court maintain such documents under seal, subject to any contrary request by Avon at any time. As needed, Fareva is prepared to re-file the foregoing materials or portions thereof publicly.

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As always, we thank the Court for its consideration.

Respectfully submitted,

/s/ Randy M. Mastro
Randy M. Mastro

cc: All counsel of record (via ECF)